

PATENT
450100-4916

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. The present response is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-15, 17, 19 and 21-28 are pending in this application. Claims 1, 6, 7, 10, 11, 14, 15, 17, 19 and 21-28, which are independent, are hereby amended. Claims 16, 18 and 20 have been canceled, without prejudice or disclaimer of subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-14 and 22-24 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. in view of U.S. Patent No. 5,801,753 to Eyer, et al.

Independent claim 1 recites, *inter alia*:

BEST AVAILABLE COPY

PATENT
450100-4916

"...control means for controlling a multiplexing ratio among the plurality of signals in the second multiplexing means, controlling a video data occupation bandwidth, an audio data occupation bandwidth, and a program data occupation bandwidth in relation to a transmission channel bandwidth." (emphasis added)

As understood by Applicants, U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") relates to a multiplexer device that has a multiplexing means for multiplexing a plurality types of media information and outputting a multiplexed bit stream, a priority deciding means for deciding priority corresponding to each of the media information, and a multiplexing controller for controlling multiplexing of each of the media information according to the multiplexing means based on the priority decided by the priority deciding means. The priority in each information is multiplexed.

As understood by Applicants, U.S. Patent No. 5,801,753 to Eyer, et al. (hereinafter, merely "Eyer") relates to an apparatus and methods for implementing an interactive program guide on an information network. A plurality of database pages are communicated over the information network. Each page corresponds to a time slot over which events are available on the network. Schedule data for each event to be included in the interactive guide is inserted into the database page for the time slot during which the event is to be provided. The database pages are transmitted via the information network at a transmission rate selected to enable the recovery of a particular database page within a predetermined acquisition time limit, for retrieval of schedule data for the time represented by that page.

Applicants respectfully submit that nothing has been found in Matsuzaki nor Eyer, taken alone or in combination, that would teach or suggest the above-identified features of independent claim 1. Specifically, Matsuzaki and Eyer fail to teach or suggest a control means

BEST AVAILABLE COPY

PATENT
450100-4916

for controlling a multiplexing ratio among the plurality of signals in the second multiplexing means, controlling a video data occupation bandwidth, an audio data occupation bandwidth, and a program data occupation bandwidth in relation to a transmission channel bandwidth.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Independent claims 6, 7, 10-14 and 22-24 recite similar features and are believed patentable for similar reasons.

Claims 15, 17, 19, 21, and 25-28 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,111,612 to Ozkan et al. in view of U.S. Patent No. 5,801,753 to Eyer et al. in view of U.S. Patent No. 6,522,672 to Matsuzaki et al. Applicants disagree.

Independent claim 15 recites, *inter alia*:

"...control means for controlling a data acquisition time and for controlling operations of the separating means and the storing means in accordance with a transmission rate of the program information and the data acquisition time."
(emphasis added)

As understood by Applicants U.S. Patent No. 6,111,612 to Ozkan et al. (hereinafter, merely "Ozkan") relates to packetized video program information used in video processing and storage medium formats that includes program related text messages. A decoder decodes packetized video program information including program related text messages. The decoder determines a broadcast programming time segment associated with a desired program related text message and identifies program related text message data occurring in the determined broadcast programming time segment.

BEST AVAILABLE COPY

PATENT
450100-4916

Applicants respectfully submit that nothing has been found in Ozkan, Eyer or Matsuzaki, taken alone or in combination, that would teach or suggest the above-identified features of claim 15. Specifically, Applicants submit that Ozkan, Eyer, and Matsuzaki fail to teach or suggest a control means for controlling a data acquisition time and for controlling operations of the separating means and the storing means in accordance with a transmission rate of the program information and the data acquisition time.

Therefore, Applicants submit that claim 15 is patentable.

Independent claims 15, 17, 19 and 25-28 recite similar features and are believed patentable for similar reasons.

III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

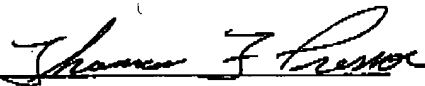
BEST AVAILABLE COPY

PATENT
450100-4916

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800

BEST AVAILABLE COPY